Docket No.: 0765

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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October 23, 2002
(date)

Alan Israel
Reg. No. 27,564

In re: Application of	:	Mark KRICHEVER, et al.	
Serial No.	:	09/756,438	Group Art Unit: 2876
Filed	:	January 8, 2001	Examiner: D. Hess
For	:	BIOPTICS BAR CODE READER	

New York, New York
October 23, 2002

RESPONSE UNDER C.F.R. SECTION 1.116 -- EXPEDITED PROCEDURE

Box: AF
Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Official Action dated August 27, 2002, reconsideration of the obviousness rejections of all claims is respectfully requested.

The Examiner's conclusion that a "simple swap of Bunte's detecting system with each of the two existing detection/decode systems [of Ohkawa] would work fine" is erroneous. As previously argued, it would not work at all.

Ohkawa, the principal reference used to reject independent claim 15, discloses a pin photodiode as the first detector 28 (col. 13, line 44) and another pin photodiode as the second detector 29 (col. 13, line 66). A pin photodiode has a generally circular field of view and detects light incident thereon.

In Ohkawa, each photodiode 28, 29 is stationary and detects a circular light spot focused thereon by the lenses 30, 33. The light spot changes in intensity over time as the outgoing scan beam sweeps over a bar code symbol. However, the light spot incident on each stationary photodiode 28, 29 is always positioned at a "single, fixed location" at the light-receiving aperture of the respective photodiode.

If, as the Examiner suggests, each stationary photodiode 28, 29 were replaced by a two-dimensional CCD array of the kind exemplified by reference numeral 602 in Fig. 6a of Bunte, then the lenses 30, 33 of Ohkawa would, once again, focus the returning light to a single, fixed location on the CCD array. The CCD would not work to capture an entire image of a bar code when only one of its many cells is ever illuminated.

The applicants remind the Examiner that independent claims 15 and 26 each recite that the first and second two-dimensional images captured by the claimed first and second imaging systems are of "the same entire symbol". Each detector 28, 29 of Ohkawa does not capture an image of the "entire" symbol, but instead, captures light from different locations on the symbol.

More specifically, detector 28 captures light from "one" of the scan lines depicted in Fig. 19 of Ohkawa. Detector 29 captures light from another "one" of the scan lines depicted in Fig. 20. These two scan lines are located at two different physical locations in space and, hence, cross the symbol at two different physical locations. Thus, the detectors 28, 29 are detecting light from two different locations. The detectors 28, 29 are never imaging the entire symbol. Even, as argued above, if the detectors were replaced by two-dimensional CCD arrays, the detectors would be looking at two different locations on the symbol.

In rejecting independent claim 26, the Examiner relied on Katoh as the principal reference but, once again, Katoh discloses the use of single photodetectors 4A, 4B. As argued above, these cannot be replaced by CCD arrays and, even if they were so replaced, the resulting combination would not only be inoperative, but would also not be capable of looking at the entire symbol.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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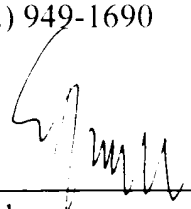

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